

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
DELOWAR MOHAMMED HOSSAIN, :  
:  
Defendant. :  
:  
- - - - - X

PROTECTIVE ORDER  
19 Cr. 606 (SHS)

HONORABLE SIDNEY H. STEIN, District Judge:

WHEREAS, DELOWAR MOHAMMED HOSSAIN, the defendant, has sought from the Government access to certain recordings, photographs, and electronic communications that are discoverable pursuant to Rule 16 of the Federal Rules of Criminal Procedure and which were either recorded by and/or involve confidential law enforcement sources (the "CSes");

WHEREAS, the Government has produced to the defendant these electronic communications and data, (collectively, the "Protected Materials");

WHEREAS, the Government desires to protect the identities of the CSes who made electronic communications contained in the Protected Materials and to protect the integrity of ongoing investigations;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Protected Materials shall be used by the defendant, his counsel, and his counsel's agents only for purposes of defending the charges, in connection with sentencing, and pursuing any appeals, in this criminal action. To the extent the Protected Materials are shown to additional persons consistent with the terms set forth below, those additional persons may only use the Protected Materials in connection with this criminal action.

2. Items shall be deemed Protected Materials subject to this protective order if the items are either:

(a) Marked by the Government in a manner indicating their protected status; or

(b) As to previously produced materials, identified as Protected Materials by the Government to defense counsel in writing.

3. The defendant reserves the right to oppose the Government's designation of specific materials as Protected Materials. If the defendant opposes the Government's designation of materials pursuant to this paragraph, the parties shall meet and confer in an effort to resolve the dispute. If the dispute is not resolved, the Government shall be required to show good cause as to why those specific materials should be designated as Protected Materials. The defendant shall treat the challenged

materials as Protected Materials pending the Court's order regarding whether the Government has made the requisite showing of good cause with respect to those materials.

4. The Protected Materials and the information and identities contained or disclosed therein:

(a) Shall be used by the defendant and his counsel only for purposes of this action;

(b) Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 4(c) below;

(c) May be disclosed only by the defendant's counsel and only to the following persons (hereinafter "Designated Persons"):

- (i) investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant's attorney;
- (ii) independent expert witnesses, investigators or advisors retained by the defendant in connection with this action; and
- (iii) upon a motion by the defendant pursuant to paragraph 6 below, to show (but not

provide copies of) Protected Materials to such other persons as hereafter may be authorized by the Court; and

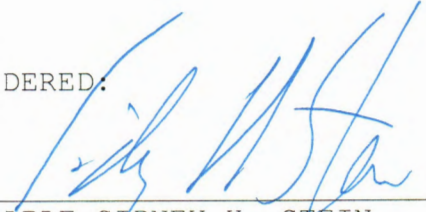
(d) Shall be returned to the Government following the conclusion of this case.

5. The defendant and his counsel shall provide a copy of this protective order to Designated Persons to whom any Protected Materials are disclosed pursuant to paragraphs 4(c)(i), (ii), or (iii), or by authorization of the Court pursuant to paragraph 6. Designated Persons shall be subject to the terms of this order.

6. Defense counsel may seek authorization of the Court – including on an ex parte basis with notice to the Government, where appropriate – to show (but not provide copies of) certain specified discovery materials to persons whose access to discovery materials is otherwise prohibited by the preceding paragraphs, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case.

7. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in this action, or to any judge or magistrate of this Court for purposes of this action.

SO ORDERED:

  
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HONORABLE SIDNEY H. STEIN  
United States District Judge  
Southern District of New York

  
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Date